



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Environmental Quality
VAC Chapter Number:	9 VAC 25-101-10 et seq.
Regulation Title:	Tank Vessel Oil Discharge Contingency Plan and Financial Responsibility Requirements
Action Title:	Tank Vessel Regulations
Date:	May 9, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Tank Vessel Oil Discharge Contingency Plan and Financial Responsibility Requirements regulation requires owners of certain tank vessels to develop contingency plans and demonstrate financial responsibility for proper response to a discharge of oil. The contingency plans and financial responsibility requirements are necessary to protect environmentally sensitive areas; to respond to the threat of an oil discharge; and to contain, clean up and mitigate and oil discharge within the shortest feasible time. The regulation requires that contingency plans address concerns for the effect of oil discharges on the environment as well as public health and safety. The regulation also provides acceptable means of demonstrating the required level of financial responsibility to respond to a discharge of oil.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Sections 62.1-44:34.15 and 62.1-44:34.16 of the Virginia Code applies to all tank vessels transporting or transferring oil upon state waters having a maximum storage, handling or transporting capacity of equal to or greater than 15,000 gallons of oil. The statutory authority requires submittal to, and approval by the Board. The consolidated regulation does not exceed the minimum requirements of § 62.1-44.34:15 of the Code of Virginia, § 62.1-44.34:15.B. of the Code of Virginia, § 62.1-44.34:16., of the Code of Virginia, § 62.1-44.34:16.B. of the Code of Virginia, § 62.1-44.34:16.C. of the Code of Virginia, § 62.1-44.34:17.A. of the Code of Virginia, or § 62.1-44.34:21. of the Code of Virginia.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No comments were received.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The primary goal of this regulation is to protect the environment from discharges of oil from tank vessels by establishing procedures and requirements for operators to respond to the threat of an oil discharge and to contain, clean up and mitigate a discharge within the shortest feasible time, as well as demonstrate adequate financial responsibility to cover the costs of clean up and the liabilities for damages specified in the law. The consolidated regulation specifically allows the acceptance of federally approved contingency plans and evidence of financial responsibility as meeting state requirements by providing a single source of information to the regulated community, streamlining the processes for plan and evidence of financial responsibility approval and coordinating documentation more effectively with the U.S. Coast Guard. This regulation continues to protect public health and safety by implementation of measures to prevent and mitigate the effects of catastrophic oil spills. The public welfare and interests are further met by

the assurance that parties responsible for oil discharges from tank vessels will meet their liabilities for damages under § 62.1-44.34:18.C. of the Code of Virginia. The regulation has no impact on the institution of family and family stability. The regulation is clearly written and easily understandable.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Based on current statute, there are no alternatives to this regulation that are less burdensome.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Agency recommends that the regulations remain in effect as currently written.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation does not have an adverse impact on the institution of the family and family stability.